

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

<b>EVOLVED INGENUITY, LLC, a Texas limited liability company, and WILLIAM H. FARGASON, III</b>	} } } }	<b>Case No. 2:13-CV-00681-JRG-RSP</b>
<b>Plaintiffs,</b>	} }	
<b>vs.</b>	} }	
<b>NEW BUFFALO CORPORATION, a Missouri corporation,</b>	} } }	
<b>Defendant.</b>	} }	<b>JURY TRIAL DEMANDED</b>

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**JOINT MOTION TO DISMISS WITH PREJUDICE**

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**TO THE HONORABLE JUDGE OF SAID COURT:**

COME NOW Plaintiffs, EVOLVED INGENUITY, LLC, a Texas limited liability company, and WILLIAM H. FARGASON, III ("Plaintiffs"), and Defendant, NEW BUFFALO CORPORATION, a Missouri corporation, ("Defendant") (Plaintiffs and Defendants are hereinafter referred to collectively as the "Parties"), in the above-numbered and entitled cause of action, to file this Joint Motion to Dismiss with Prejudice, and as grounds therefore would respectfully show the Court as follows:

1.0 The Parties have reached a compromise settlement of all claims, causes of action, and counterclaims in this case.

1.1 Plaintiffs and Defendant no longer wish to continue to prosecute the causes of action in this case, which have all been settled.

1.2 Pursuant to the compromise settlement agreement between the Parties, the Parties have agreed that this case in its entirety should be dismissed with prejudice and hereby move the Court to dismiss this cause with prejudice.

1.3 All fees and costs are to be taxed to the party having incurred same.

### **Prayer**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, EVOLVED INGENUITY, LLC and WILLIAM H. FARGASON, III, and Defendant, NEW BUFFALO CORPORATION, pray that the Court grant this motion and dismiss this cause in its entirety with prejudice to re-filing. Plaintiffs and Defendant further pray that all fees and costs be taxed to the party incurring same. Finally, Plaintiffs and Defendant pray for general and such other relief, at law or in equity, to which they may show themselves justly entitled.

Respectfully submitted,

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/s/ Daniel L. Bates

Daniel L. Bates  
State Bar No. 01899900  
[dbates@deckerjones.com](mailto:dbates@deckerjones.com)  
Geoffrey A. Mantooth  
State Bar No. 12957530  
[gmantooth@deckerjones.com](mailto:gmantooth@deckerjones.com)

DECKER, JONES, McMACKIN, McCLANE,  
HALL & BATES, P.C.  
Burnett Plaza, Suite 2000  
801 Cherry Street, Mail Unit #46  
Fort Worth, Texas 76102-6836  
(817) 336-2400 - phone  
(817) 332-3043 - fax

**ATTORNEYS FOR PLAINTIFFS**

/s/ John M. Challis

Graham L.W. Day, MO 45687  
[gday@polsinelli.com](mailto:gday@polsinelli.com)  
John M. Challis, MO 56751  
[jchallis@polsinelli.com](mailto:jchallis@polsinelli.com)  
Robyn H. Ast-Gmoser, MO 59236  
[Rast-gmoser@polsinelli.com](mailto:Rast-gmoser@polsinelli.com)  
POLSINELLI PC  
100 S. Fourth Street, Suite 1000  
St. Louis, MO 63102  
Telephone: (314) 889-8000  
Telefax: (314) 231-1776

Jason D. Mazingo  
State Bar No. 24055925  
[jasonmazingo@potterminton.com](mailto:jasonmazingo@potterminton.com)  
POTTER MINTON, P.C.  
500 Plaza Tower

Tyler, Texas 75702  
Telephone: (903) 597-8311  
Telefax: (903) 593-0846

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 19<sup>th</sup> day of June, 2014, the above and foregoing instrument is being electronically filed with the Clerk of Court for the United States District Court, Eastern District of Texas, using the electronic case filing system of the Court, which will send notification of such filing to the following counsel of record:

Graham L.W. Day  
[gday@polsinelli.com](mailto:gday@polsinelli.com)  
John M. Challis  
[jchallis@polsinelli.com](mailto:jchallis@polsinelli.com)  
Robyn H. Ast-Gmoser  
[Rast-gmoser@polsinelli.com](mailto:Rast-gmoser@polsinelli.com)  
POLSINELLI PC  
100 S. Fourth Street, Suite 1000  
St. Louis, MO 63102  
***Attorneys for Defendant***

Jason D. Mazingo  
State Bar No. 24055925  
[jasonmazingo@potterminton.com](mailto:jasonmazingo@potterminton.com)  
POTTER MINTON, P.C.  
500 Plaza Tower  
Tyler, Texas 75702  
Telephone: (903) 597-8311  
Telefax: (903) 593-0846  
***Attorney for Defendant***

/s/ Daniel L. Bates  
Daniel L. Bates